

1 STEPHANIE S. CHRISTENSEN  
2 Acting United States Attorney  
3 SCOTT M. GARRINGER  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 Gregory Bernstein (Cal. Bar No. 299204)  
7 Assistant United States Attorney  
Major Frauds Section  
1100 United States Courthouse  
312 North Spring Street  
Los Angeles, California 90012  
Telephone: 213-894-3183  
Email: Gregory.Bernstein@usdoj.gov

8 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 In re: Investigation of  
12 Robert Aslanyan et al.

No. 2:22-MJ-3482

13 STIPULATION AND JOINT REQUEST FOR  
14 A PROTECTIVE ORDER REGARDING  
DISCOVERY CONTAINING PERSONAL  
IDENTIFYING INFORMATION

15 PROPOSED ORDER FILED SEPARATELY

17  
18 Plaintiff, United States of America, by and through its counsel  
19 of record, the Acting United States Attorney for the Central  
20 District of California and Assistant United States Attorney Gregory  
21 Bernstein, and Robert Aslanyan ("Aslanyan" or "the target"), by and  
22 through Gonzales's attorney (collectively the "parties"), for the  
23 reasons set forth below, request that the Court enter the proposed  
24 Protective Order (the "Protective Order") governing the use and  
25 dissemination of personal identifying information ("PII") of real  
26 persons pursuant to Federal Rule of Criminal Procedure Rule 16(d).  
27  
28

1           Introduction and Grounds for Protective Order

2       1. The government is investigating Aslanyan for potential  
3 violations of 18 U.S.C. §§ 1341 (mail fraud), 1343 (wire fraud),  
4 1344 (bank fraud), 1028A (aggravated identity theft), 1956 (money  
5 laundering), and 1349 (conspiracy to commit mail and wire fraud)  
6 ("Target Offenses"). The government wishes to produce pre-indictment  
7 discovery to Aslanyan.

8       2. A Protective Order is necessary because the government  
9 intends to produce to the defense materials potentially containing  
10 third parties' PII. The government believes that disclosure of this  
11 information without limitation risks the privacy and security of the  
12 information's legitimate owners. Because the government has an  
13 ongoing obligation to protect third parties' PII, the government  
14 cannot produce to the targets an unredacted set of discovery  
15 containing this information without the Court entering the  
16 Protective Order. Moreover, PII makes up a significant part of the  
17 discovery in this case and such information itself, in many  
18 instances, has evidentiary value. If the government were to attempt  
19 to redact all this information in strict compliance with Federal  
20 Rule of Criminal Procedure 49.1, the Central District of  
21 California's Local Rules regarding redaction, and the Privacy Policy  
22 of the United States Judicial Conference, the defense would receive  
23 a set of discovery that would be highly confusing and difficult to  
24 understand, and it would be challenging for defense counsel to  
25 adequately evaluate the case, provide advice to the target, or  
26 prepare for trial.

27       3. The purpose of the Protective Order is to (a) allow the  
28 government to comply with its discovery obligations while protecting

1 this sensitive information from unauthorized dissemination, and  
2 (b) provide the defense with sufficient information to adequately  
3 represent the target.

4 Definitions

5 4. The parties agree to the following definitions:

6 a. "PII Materials" includes any information that can be  
7 used to identify a person, including a name, address, date of birth,  
8 Social Security number, driver's license number, telephone number,  
9 account number, email address, or personal identification number.

10 b. "Confidential Information" refers to any document or  
11 information containing PII Materials that the government produces to  
12 the defense pursuant to this Protective Order and any copies  
13 thereof.

14 c. "Defense Team" includes (1) the target's counsel of  
15 record ("defense counsel"); (2) other attorneys at defense counsel's  
16 law firm who may be consulted regarding case strategy in this case;  
17 (3) defense investigators who are assisting defense counsel with  
18 this case; (4) retained experts or potential experts; and  
19 (5) paralegals, legal assistants, and other support staff to defense  
20 counsel who are providing assistance on this case. The Defense Team  
21 does not include the target, the target's family members, or any  
22 other associates of the target.

23 Terms of the Protective Order

24 5. The parties jointly request the Court enter the Protective  
25 Order, which will permit the government to produce Confidential  
26 Information in a manner that preserves the privacy and security of  
27 third parties. The parties agree that the following conditions in  
28 the Protective Order will serve these interests:

1                   a. The government is authorized to provide defense  
2 counsel with Confidential Information marked with the following  
3 legend, "CONFIDENTIAL INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE  
4 ORDER," or otherwise denoted as subject to the protective order in  
5 the discovery index. The government may put that legend on the  
6 digital medium (such as DVD or hard drive) or simply label a digital  
7 folder on the digital medium to cover the content of that digital  
8 folder. The government may also redact any PII contained in the  
9 production of Confidential Information.

10                  b. If the target objects to a designation that material  
11 contains Confidential Information, the parties shall meet and  
12 confer. If the parties cannot reach an agreement regarding the  
13 target's objection, the target may apply to the Court to have the  
14 designation removed.

15                  c. The target and the Defense Team agree to use the  
16 Confidential Information solely to prepare for any pretrial motions,  
17 plea negotiations, trial, and sentencing hearing in this case, as  
18 well as any appellate and post-conviction proceedings related to  
19 this case.

20                  d. The Defense Team shall not permit anyone other than  
21 the Defense Team to have possession of Confidential Information,  
22 including the target, while outside the presence of the Defense  
23 Team.

24                  e. At no time, under no circumstance, will any  
25 Confidential Information be left in the possession, custody, or  
26 control of the target, regardless of the target's custody status.

27                  f. The target may review PII only in the presence of a  
28 member of the Defense Team, who shall ensure that the target is

1 never left alone with any PII Materials. At the conclusion of any  
2 meeting with the target at which the target is permitted to view PII  
3 Materials, the target must return any PII Materials to the Defense  
4 Team, and the member of the Defense Team present shall take all such  
5 materials with him or her. The target may not take any PII Materials  
6 out of the room in which the target is meeting with the Defense  
7 Team.

8 g. The target may see and review Confidential  
9 Information as permitted by this Protective Order, but the target  
10 may not copy, keep, maintain, or otherwise possess any Confidential  
11 Information in this case at any time. The target also may not write  
12 down or memorialize any data or information contained in the  
13 Confidential Information.

14 h. The Defense Team may review Confidential Information  
15 with a witness or potential witness in this case, including the  
16 target. A member of the Defense Team must be present if PII  
17 Materials are being shown to a witness or potential witness. Before  
18 being shown any portion of Confidential Information, however, any  
19 witness or potential witness must be informed of, and agree in  
20 writing to be bound by, the requirements of the Protective Order. No  
21 member of the Defense Team shall permit a witness or potential  
22 witness to retain Confidential Information or any notes generated  
23 from Confidential Information.

24 i. The Defense Team shall maintain Confidential  
25 Information safely and securely, and shall exercise reasonable care  
26 in ensuring the confidentiality of those materials by (1) not  
27 permitting anyone other than members of the Defense Team, the  
28 target, witnesses, and potential witnesses, as restricted above, to

1 see Confidential Information; (2) not divulging to anyone other than  
2 members of the Defense Team, the target, witnesses, and potential  
3 witnesses, the contents of Confidential Information; and (3) not  
4 permitting Confidential Information to be outside the Defense Team's  
5 offices, homes, vehicles, or personal presence.

6           j. To the extent that the target, the Defense Team,  
7 witnesses, or potential witnesses create notes that contain, in  
8 whole or in part, Confidential Information, or to the extent that  
9 copies are made for authorized use by members of the Defense Team,  
10 such notes, copies, or reproductions become Confidential Information  
11 subject to the Protective Order and must be handled in accordance  
12 with the terms of the Protective Order.

13           k. The Defense Team shall use Confidential Information  
14 only for the litigation of this matter and for no other purpose.  
15 Litigation of this matter includes any appeal filed by the target  
16 and any motion filed by the target pursuant to 28 U.S.C. § 2255. In  
17 the event that a party needs to file Confidential Information with  
18 the Court or divulge the contents of Confidential Information in  
19 court filings, the filing should be made under seal. If the Court  
20 rejects the request to file such information under seal, the party  
21 seeking to file such information publicly shall provide advance  
22 written notice to the other party to afford such party an  
23 opportunity to object or otherwise respond to such intention. If the  
24 other party does not object to the proposed filing, the party  
25 seeking to file such information shall redact any PII Materials and  
26 make all reasonable attempts to limit the divulging of PII  
27 Materials.

28

1           1. The parties agree that any Confidential Information  
2 inadvertently produced in the course of discovery prior to entry of  
3 the Protective Order shall be subject to the terms of the Protective  
4 Order. If Confidential Information was inadvertently produced prior  
5 to entry of the Protective Order without being marked "CONFIDENTIAL  
6 INFORMATION -- CONTENTS SUBJECT TO PROTECTIVE ORDER," or otherwise  
7 being denoted as subject to the protective order on the discovery  
8 index, the government shall reproduce the material with the correct  
9 designation and notify defense counsel of the error. The Defense  
10 Team shall take immediate steps to destroy the unmarked material,  
11 including any copies.

12           m. Confidential Information shall not be used by the  
13 target or Defense Team, in any way, in any other matter, absent an  
14 order by this Court. All materials designated subject to the  
15 Protective Order maintained in the Defense Team's files shall remain  
16 subject to the Protective Order unless and until such order is  
17 modified by this Court. Upon request by the government, defense  
18 counsel shall return all PII Materials, certify that such materials  
19 have been destroyed, or certify that such materials are being kept  
20 pursuant to the California Business and Professions Code and the  
21 California Rules of Professional Conduct.

22           n. In the event that there is a substitution of counsel  
23 prior to when such documents must be returned, new defense counsel  
24 must be informed of, and agree in writing to be bound by, the  
25 requirements of the Protective Order before the undersigned defense  
26 counsel transfers any Confidential Information to the new defense  
27 counsel. New defense counsel's written agreement to be bound by the  
28 terms of the Protective Order must be returned to the Assistant U.S.

1 Attorney assigned to the case. New defense counsel then will become  
2 the Defense Team's custodian of materials designated subject to the  
3 Protective Order and shall then become responsible, upon the  
4 conclusion of appellate and post-conviction proceedings, for  
5 (1) returning to the government, certifying the destruction of, or  
6 retaining pursuant to the California Business and Professions Code  
7 and the California Rules of Professional Conduct all PII Materials.

8 o. Defense counsel agrees to advise the target and all  
9 members of the Defense Team of their obligations under the  
10 Protective Order and ensure their agreement to follow the Protective  
11 Order, prior to providing the target and members of the Defense Team  
12 with access to any materials subject to the Protective Order.

13 p. Defense Counsel has conferred with the target  
14 regarding this stipulation and the proposed order thereon, and the  
15 target agrees to the terms of the proposed order.

16 q. Accordingly, the parties have agreed to request that  
17 the Court enter a Protective Order in the form submitted herewith.

18 IT IS SO STIPULATED.

19 Dated: September 2, 2022 STEPHANIE S. CHRISTENSEN  
20 Acting United States Attorney

21 SCOTT M. GARRINGER  
22 Assistant United States Attorney  
Chief, Criminal Division

23 /s/ Gregory Bernstein  
24 Gregory Bernstein  
Assistant United States Attorney

25 Attorneys for Plaintiff  
26 UNITED STATES OF AMERICA

27 /s/ George Mgdesyan (email authorization)  
28 George Mgdesyan, attorney for Robert  
Aslanyan